

# CITY OF WEST COVINA

## Art in Public Places PROGRAM GUIDELINES

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# CITY OF WEST COVINA

## Art in Public Places

### GUIDELINES

This document establishes policies and procedures for the acquisition, placement, care, and management of artworks for the Art in Public Places collection of the City of West Covina. All artworks owned by the City are under the jurisdiction of the Planning Commission, whether acquired through the Art in Public Places Ordinance, gifts, or by any other method and are governed by the following policies.

#### SECTION I: ART IN PUBLIC PLACES PROGRAM

##### A. VISION AND GOALS

West Covina is a family-oriented community that is proud of its history, heritage and commitment to making West Covina even better for its future generations. Throughout history, artists have been instrumental in creating unique and memorable public places that have yielded physical, social, and economic benefits for a community. To that end, the West Covina Art in Public Places Program was created in July 2004 with the adoption of an ordinance by the West Covina City Council. The purposes of the Art in Public Places (AIPP) Program are:

- To enhance the quality of life and cultural enrichment of the residents of West Covina through the aesthetic enhancement of the built environment.
- To increase community identity, pride and vitality.
- To build a collection of public artwork that reflects the culture, geography, and history of West Covina.
- To expand the economic development through increased property values and new cultural tourism opportunities.
- To provide leadership in the development of high quality, distinctive civic spaces.
- To provide access to artistic experiences of the highest caliber and broadest range for the residents of West Covina.
- To inspire and nurture children.

- To recognize the creativity and skills of artists with an emphasis on integrating artists into the planning and design process at the earliest possible opportunity.
- To build awareness and understanding of public art through public education and information initiatives.

## **B. ART IN PUBLIC PLACES FUND**

The AIPP Fund was established as a repository for developer contributions resulting from the AIPP allocation and any other funds that might be contributed or allocated to the AIPP Fund. The account containing these funds earns interest and the earned interest is used to further the purposes of the AIPP Program.

### **1. Oversight of AIPP Fund**

AIPP Funds will be carefully monitored by Planning Department staff to ensure that developer receipts and project expenditures are accurately recorded and are approved by the staff and Planning Commission.

### **2. AIPP Fund Projects**

AIPP Funds provide resources for projects involving artists and the arts that could not otherwise be accomplished. The Planning Commission will be asked to develop priorities for projects that it, on behalf of the community, sees as important to change, enhance, or energize the visual and cultural environment in West Covina.

### **3. Use of AIPP Funds**

Monies in the AIPP Fund may only be used for the following purposes:

- Purchase, commission, and/or installation of public artwork.
- Maintenance and restoration of public artwork.
- Art education programs and events.
- Plaques and signage.
- Publicity and promotional materials for public art programs and functions.
- Training and development for staff and commissioners involved in the administration of the AIPP Program.
- Other costs directly associated with the administration of the AIPP Program.

## **C. PROGRAM REQUIREMENTS**

The West Covina AIPP Program requires new development projects and remodels of existing development above certain thresholds to (1) provide public artwork on-site or in the vicinity of the development site as part of the project, or (2) make an in-lieu contribution to the City equivalent to the value of the required artwork.

1. **Project Screening**

Upon application for land use entitlements and/or building permits, the Planning Director will determine whether a development project is subject to the requirements of the AIPP Ordinance. The Planning Director may require the submission of additional information regarding project valuation to assist in making this determination.

2. **Projects Subject to the Ordinance**

Participation in the AIPP Program is required for the following types of projects:

- a. **New Residential Projects.** New residential projects consisting of the construction of ten (10) or more new residential units and/or subdivision of ten (10) or more new residential lots.
- b. **New Commercial, Office, or Industrial Projects.** New development projects that have a building valuation of \$500,000 or more (as determined by the City's valuation of building permits).
- c. **Expansion or Remodel of Commercial, Office, or Industrial Complexes.** Projects that involve remodeling or expansion of existing developments that have a building valuation of \$250,000 or more (as determined by the City's valuation of building permits).
- d. **New Mixed Use Projects.** New, expansion, or remodel of residential/commercial projects that meet one or more of the criteria listed above.
- e. **City Projects.** Construction of City buildings or facilities having project costs of \$500,000 or more.

3. **Exempt Projects**

The following types of projects are exempt from participating in the AIPP Program:

- a. **Affordable and Senior Citizen Housing.** Residential projects that involve the construction of dwelling units restricted to low/moderate income families and/or senior citizens.
- b. **Civic, Cultural, or Governmental Facilities.** Construction or remodeling of facilities of a civic or cultural nature, or facilities owned by government agencies (except "City Projects" as listed above).
- c. **Reconstruction or repair of Damaged Facilities.** Reconstruction or repair of facilities that have been damaged or destroyed by fire, flood, earthquake, or other calamity.

#### 4. **AIPP Allocation**

Projects which meet the threshold for participation in the AIPP Program are required to provide artwork of a monetary value or pay in-lieu fee equivalent to the following:

- a. **Residential Projects.** One-half (1/2) percent of the total project costs (excluding land), as determined by the City's valuation of building permits.
- b. **Commercial, Office, and Industrial Projects.** One (1) percent of the total project costs excluding land, as determined by the City's valuation of building permits.
- c. **Parking Structures.** When calculating the total building valuation of a multiple-level parking structure, one floor of the parking structure will not be counted toward the total valuation. The exclusion of one floor of parking is intended to provide a credit for the ground level parking area that would not be counted toward the valuation total in the event a structure was not developed at the site.

#### 5. **Calculating the Total Building Valuation**

- a. The total building valuation is determined by the Public Works Director at the time building permits are issued and are indicated on said building permits at the time of issuance.
- b. Square foot value is based on the type of building construction, the proposed use of the building, and the quality of construction.

#### 6. **Options for Satisfying the AIPP Requirement**

- a. Upon application for land use entitlements and/or building permits, the Planning Director or designee will determine whether a project is subject to the requirements of the AIPP Ordinance. The Planning Director may require the submission of additional information regarding project valuation to assist in making the determination.
- b. At the outset of discussions with the developer on a private development project, Planning Department staff will inform the developer of the AIPP Ordinance and its goals and how they relate to the City of West Covina's overall planning mission. Throughout negotiations, staff will work with the developer to fully evaluate the available options to achieve a high quality, meaningful project.
- c. Developers with projects meeting the threshold for participation can satisfy the AIPP requirement by one of the following or any combination thereof:

- **On-site Artwork.** Incorporate artwork in a public place on or in the vicinity of the project site by following the procedures described under Section II: Private Development. The Art Plan for on-site art is submitted to the Planning Commission at the schematic and final design stages. It provides details on the artist selection process, artist qualifications, artwork ideas, and design elements, and discusses how the artwork is a result of a collaborative effort, is in a publicly accessible location, and impacts the development project.
  - **In-lieu Fee.** Contribute an in-lieu fee to the City's AIPP Fund. The accumulated fees then will be programmed and used by the City to provide public artwork in appropriate locations throughout West Covina. In-lieu fees are required to be paid in full prior to the issuance of building permits for the project.
- d. When the 1% or 1/2% AIPP allocation for a project equates to an amount less than \$25,000, the developer is required to pay the full in-lieu contribution to the AIPP Fund.
  - e. Developers must submit an AIPP Art Plan to the Planning Department. The Art Plan will set forth the manner in which the applicant proposes to fulfill the requirements of the AIPP Ordinance including whether the fulfillment will be by on-site artwork, off-site artwork, in-lieu contribution to the AIPP Fund, or any combination thereof.

## **D. AIPP PROGRAM ADMINISTRATION**

### **1. Planning Director**

Under the guidance and supervision of the City Manager, the Planning Director is responsible for overseeing and implementing all functions of the AIPP Program. In addition, the Planning Director or his/her designee is responsible for overseeing the artist and artwork approval process, and for facilitating the care and maintenance of the City of West Covina's AIPP collection.

The Planning Director or his/her designee is responsible for AIPP project management and facilitation of the artist and artwork selection Process, which includes but is not limited to:

- a. Preparation and distribution of a comprehensive project announcement.
- b. Processing Requests for Qualifications and Requests for Proposals.
- c. Coordinating the review of artist qualifications, selection of finalists, and review of proposals by the Artist Selection Panel.
- d. Submitting recommendations to the Planning Commission.

- e. Publicizing the results and informing all the artists of decisions.

## **2. Planning Commission**

The Planning Commission, in consultation with the Planning Director, is responsible for the following tasks:

- a. Prepare AIPP Annual Plan and budget for public art to be developed as part of the annual budget process. The plan will detail new and ongoing public art projects, list conservation projects, public education and other activities to be undertaken during the upcoming year.
- b. Review and update the AIPP Implementation Guidelines every five years.
- c. Provide representation on each Artist Selection Panel.
- d. With input from the Planning Director, identify and approve practicing artists and arts professionals for a pool of potential Pre-Qualified Artist Directory Jury members and Artist Selection Panel members.
- e. Appoint each Pre-Qualified Artist Directory Jury and Artist Selection Panel from the respective above-mentioned pool of potential participants.
- f. Review and take action on recommendations from the Pre-Qualified Artist Directory Jury for artists to be included in the Pre-Qualified Artist Directory.
- g. Review and take action on recommendations from each Artist Selection Panel for AIPP project artists and artwork.
- h. Review recommendations for any alterations to project artist's final designs.
- i. Conduct advocacy, community education and awareness, including presentations to and forums with civic, neighborhood, school, and special interest groups.
- j. Address issues that arise from AIPP programming and projects.

## **E. PRE-QUALIFIED ARTIST DIRECTORY**

A directory of pre-qualified artists will be developed by staff. The pre-qualified artist directory can be used by the City and private developers to select artists for AIPP projects.

### **1. Procedures**

- a. The Planning Director will distribute a Request for Qualifications (RFQ) soliciting the names and credentials of artists interested in being listed and invite them to submit a resume, letter of interest, and annotated slides, audio and videotapes of past artwork, as appropriate.

- b. Project artists may be selected directly from the Pre-Qualified Artist Directory by the Planning Commission, Artist Selection Panel, and Developer.
- c. The Artist Selection Panel may consult the Pre-Qualified Artist Directory prior to making artist selections. However, no requirement is made that the artists selected to participate in the AIPP Program must be represented in the Pre-Qualified Artist Directory.

## 2. Selection of Artists for the Pre-Qualified Artist Directory

- a. With recommendations from staff, a pool of potential Pre-Qualified Artist Directory Jury members will be established by the Planning Commission. The pool will include individuals with a background or professional expertise in art and design and who have knowledge of community interests, including:
  - Artists.
  - Arts-related professionals who are knowledgeable community members, including curators, art historians, writers and critics, arts administrators, collectors, arts activists, and arts volunteers.
  - Design professionals, including, but not limited to, architects, landscape architects, and planners.
- b. Staff will use the pool to select and invite no fewer than three members to serve on the Pre-Qualified Artist Directory Jury.
- c. The Pre-Qualified Artist Directory Jury will convene to pre-qualify those artists who meet the criteria for inclusion in the Pre-Qualified Artist Directory. Pre-Qualified Artist Directory Jurors will use the following criteria in evaluating artists' qualifications and in categorizing them in the database for use by the Artist Selection Panel and Planning Commission as defined in Section V:
  - Quality of past work as evidenced in slides, portfolios, site visits, or other documentation.
  - Ability to respond to the specific contextual issues and considerations of a particular project, its community, and its users.
  - Ability to successfully manage all aspects of the project including budgets, committees, sub-contractors, installers and other construction and administrative logistics.
  - Credentials, including experience, training, and critical or other professional recognition.

## **F. MAINTENANCE OF ARTWORK**

A commitment to the ongoing care and maintenance of artwork is critical to protecting the City's investment in an AIPP collection. All maintenance must be completed with the highest standards of professional conservation.

### **1. Private Developer**

- a. Where artwork is placed on private property pursuant to the AIPP Ordinance, the owner will execute and record a covenant with the City of West Covina which sets forth the owner's obligation to properly maintain the artwork.
- b. If any artwork placed on private property is removed without Planning Commission approval, the City will pursue enforcement of the covenant and any other appropriate remedies that will ensure compliance with the requirements.
- c. It is the responsibility of the owner to finance routine maintenance, repair, and conservation of AIPP artwork on private property.

### **2. City**

- a. It is the responsibility of the City to finance routine maintenance, repair, and conservation of AIPP artwork on City-owned property. The Planning Director or his/her designee is responsible to facilitate maintenance and conservation of all AIPP artwork in the City of West Covina.
- b. The City will maintain a computer database inventory and complete permanent record of AIPP artwork in the City of West Covina. This record must include as-built drawings, engineering calculations, photographs taken during fabrication and installation, materials used in the making or coating of the artwork, art conservator reports, manufacturer's manuals, spare parts, keys or other special tools for access to the artwork or its components, and a maintenance schedule.
- c. The City will conduct an annual survey of the condition of the AIPP artworks to evaluate conservation needs and recommend action, as needed. The Planning Director will secure the services of a professional conservator to review the condition of artwork, provide condition reports and identify those artworks in most urgent need of attention. The Planning Director will then communicate findings to property owners and the Planning Commission and provide recommendations for initiating maintenance activities.
- d. The project artist will be given the opportunity to make or personally supervise repairs and restoration of his/her original artwork for a fee to be

negotiated at the time, notwithstanding warranties negotiated between the artist and the City for faulty or defective workmanship or materials.

- e. A professional art conservator or persons trained by a conservator may be consulted or hired to provide maintenance and conservation AIPP artwork.

## **G. RELOCATION AND REMOVAL OF ARTWORK**

The Planning Commission, in consultation with the Planning Director, will consider any proposed temporary or permanent relocation or removal of an AIPP artwork on City-owned property. During the review process, the artwork will remain accessible to the public in its original location. The final decision with respect to relocation and removal of artwork will rest with the Planning Commission.

### **1. Reasons for Relocation or Removal**

The relocation of an AIPP artwork may be considered for one or more of the following reasons:

- a. The artwork has been damaged and repair is impractical or unfeasible.
- b. The artwork requires excessive maintenance or has faults or design or workmanship and repair or remedy is impractical or unfeasible.
- c. The physical or structural condition of the artwork poses a threat to public safety.
- d. No suitable site is available, or significant changes in the use, character or design of the site have occurred which affect the integrity of the artwork.
- e. Relocation or deaccession of the artwork is requested by the artist.
- f. Significant adverse public reaction over an extended period of time (at least five years).

### **2. Review Process**

- a. Review of the artist's contract and other agreements that may pertain.
- b. Discussion with the artist of the circumstances prompting the review.
- c. Gathering of opinions of more than one independent professional qualified to recommend on the concern prompting review, including but not limited to conservators, engineers, architects, critics, art historians, safety experts.
- d. Review of written correspondence, press and other evidence of public debate, if applicable.

### 3. Action by Planning Commission

- a. A recommendation of reasonable measures to address the concerns that prompted the review is prepared by the Planning Director and forwarded to the Planning Commission for review.
- b. If the recommendation is removal, or if the Planning Commission determines that reasonable efforts to resolve the concerns that prompted the review have been made but have failed to resolve the situation, then the Planning Commission will appoint a mediating organization or consultant to designate an independent Ad Hoc Mediation Panel of impartial persons qualified to carry out steps in considering the removal of the artwork.
- c. The mediating organization or consultant may draw panel members from groups such as preservationists, art historians, museum curators, artists, urban planners, arts or public interest lawyers, social psychologists, policy analysts, and community improvement activists.

### 4. Action by Ad Hoc Mediation Panel

- a. Review the Planning Commission's determination that reasonable efforts to resolve the concerns have been made, yet have failed to be resolved. The Ad Hoc Mediation Panel may recommend any specific measures to resolve the concern including relocation or removal. This recommendation will provide a reasonable timeframe in which to carry out the recommended measures.
- b. Upon the Ad Hoc Mediation Panel's determination that Planning Commission's decision was correct, or that recommendations have not resolved all concerns, the Ad Hoc Mediation Panel will consider the following which are listed in priority order:
  - **Relocation of the artwork.** If the artwork was designed for a specific site, best efforts will be made to relocate it to a new site consistent with the artist's intention. As a courtesy, the artist will be consulted in this determination. In the event of death or incapacitation of the artist, best efforts will be made to consult and notify the executor of the artist's estate as to the proposed disposition of the artwork in question.
  - **Removal from the AIPP collection by sale, trade, extended loan, or gift.** Three independent professional appraisals of the fair market value of the work will be secured on which to base a decision. Any of the options enumerated below require the prior approval by Planning Commission.
    - If feasible, the artist will be given first option to purchase the artwork at the appraised fair market value.

- Sale may be through auction, gallery resale, or direct bidding by individuals.
- Trade may be through artist, gallery, museum, or other institution.
- Proceeds from the sale of the artwork will be deposited into the AIPP Fund to be used for future AIPP projects. Any pre-existing contractual agreements between the artist and the City regarding resale will be honored.

## **H. GIFTS OF ARTWORK AND MEMORIALS**

The guidelines for the Gifts of Artwork and Memorials outline a procedure and criteria for the Planning Commission to review gifts of artwork and memorials that may be proposed for donation to the City for placement on City-owned property. For the purposes of this policy, a memorial is defined as an item, object, project or monument established to preserve the memory of a significant deceased person or a significant event that occurred in the past. Loans and temporary displays of artwork and memorials are not considered gifts for the purposes of this policy.

The intent of the guidelines is to:

- Ensure that the same standards of excellence applied to AIPP Projects are also applied to gifts of artwork and memorials.
- To provide uniform procedures for the proposal, review and acceptance of gifts of artwork and memorials for placement on City property.
- To establish review criteria for gifts of artwork and memorials donated to the City.
- To ensure that the artwork and memorial is constructed of durable quality materials and adequately maintained.
- To only accept gifts that: cover the total cost of production, site preparation and installation of the artwork or memorial, take into account the long-term cost of maintenance, and are accessible to the public.

### **1. Review Process**

The Planning Commission will review a proposed gift of artwork or memorial in accordance with the procedure and criteria outlined below.

- a. When a donation or long-term loan of artwork is proposed, the Planning Department will contact the prospective donor to inform the donor of the City's donation policy and gather information about the proposal.
- b. Under the guidance of the Planning Director or his/her designee, the prospective donor will prepare written and visual documentation of the

proposed donation in accordance with the **Donor Submittal Requirements (#2)** outlined below.

- c. The Planning Commission will review the donation proposal and determine whether it will be accepted or rejected in accordance with the **Review Criteria (#3)** outlined below.
- d. Upon reviewing the proposed donation, the Planning Commission will decide to accept the donation, reject the donation, or accept the donation with conditions. In general, gifts of artwork and memorials will be accepted without legal restrictions as to future use and disposition, except with respect to State or Federal laws on preservation, copyright, and/or resale of works of art.
- e. If the Planning Commission chooses to accept the artwork or memorial, the City will obtain a legal instrument of conveyance of title. Any conditions the City or donor place on a donation will be stated in writing and attached to the instrument of conveyance. Final acceptance of a gift of artwork or memorial will be considered in accordance with **Acceptance Conditions (#4)** outlined below.
- f. Once the artwork is accepted and the City becomes the legal owner, the Planning Commission will be responsible to oversee the maintenance, removal or relocation of the artwork or memorial.
- g. The Planning Director will provide for appropriate recognition of the donor's contribution to the City.

## 2. **Donor Submittal Requirements**

The donor is required to submit the following documentation, at a minimum:

- a. **Written Narrative** with detailed description of the proposed artwork or memorial.
- b. **Representation of Proposed Artwork/Memorial on Site**
  - Detailed drawings (to scale) of the proposed site including representative plan, elevation and section views, as appropriate.
  - Include human figures in drawings to yield a sense of scale and depth and to convey the effects of size.
  - Photographs, sketches, and/or model.
  - Detailed information specifying dimensions, materials, and colors.
- c. **Background Information**
  - Artist or designer credentials.
  - Other examples of the artist's or designer's work.

- A letter of authentication from the artist or designer, stating that it is his/her own work.
- Statement of the current value of the artwork prepared by a certified art appraiser.
- A valid, signed contract between the donor and the artist that guarantees full payment for artwork by the donor, as appropriate.

**d. Installation Details**

- Construction and installation method.
- Power, plumbing and other utility requirements.
- Names, qualifications and insurance coverage of sub-contractors installing the artwork.
- Written commitment that the donor will cover all costs associated with installation of the artwork.
- Budget indicating cost of installation.

**e. Maintenance Information**

- A maintenance plan prepared by a qualified conservator.
- Written permission from the artist/designer or artist's/designer's estate for a qualified conservator to conserve the artwork or memorial when necessary.
- A written description by the artist or designer that states the desired effects of time on the artwork or memorial.

**f. Costs**

All costs of the proposed gift of artwork or memorial, including production, acquisition, site placement, installation, and maintenance must be provided by the donor and detailed in the proposal.

**3. Review Criteria**

The following review criteria will be considered by the Planning Commission when making a decision:

**a. Site and Environmental Considerations**

If the donor has identified a site for the artwork or memorial, is the relationship between the site and the artwork in the best interest of both?

- Appropriateness of artwork or memorial scale to the proposed site.
- Appropriateness of artwork or memorial to other aspects of its surroundings.
- Impact on ecology.
- Relationship of artwork or memorial to other art or memorials in the vicinity.

- Impact on historic areas or objects in the vicinity.
- Impact on views of or accessibility to points of interest in the vicinity.
- Adherence to any existing City master plans of the proposed site.

**b. Memorial**

Does the memorial add meaning to the experience of the viewer?

- The memorial has a quality of timelessness and makes a statement of significance to future generations.
- The memorial represents a person or event deemed significant to West Covina's history.
- The memorial represents a person who lived in the past or a past event.

**c. Qualities**

What makes this proposed artwork or memorial appropriate for West Covina? Is the artwork or memorial representative of the artist's or designer's best work?

- Qualifications, credentials, and other pertinent information on the artist or designer.
- Warranty of originality of the artwork or memorial.
- Quality of construction materials, durability, craftsmanship and execution of the artwork or memorial.

**d. Liability and Safety Considerations**

How susceptible is the artwork or memorial to vandalism and other safety hazards?

- Potential safety hazards and how they are addressed.
- Potential for graffiti and other vandalism and how it is addressed.
- Special insurance requirements, if any.

**e. Durability**

How has the donor provided for maintenance during the lifetime of the artwork or memorial?

- Expected life span of artwork or memorial in a public, non-archival exhibition setting.
- Durability of similar artworks or memorials constructed of the same materials, including examples of the materials when not properly maintained.
- Environmental conditions and suitability of artwork or memorial materials to the conditions of its proposed site.
- Seismic safety and flooding considerations.

- Adequate attention to unusual conditions of the site, such as poor drainage, steep slope, etc.

**f. Maintenance**

Are the maintenance needs of the artwork reasonable and can they be adequately managed?

- On-going maintenance requirements and cost.
- Provision of maintenance funds or maintenance agreement by the donor. Artwork installation and removal specifications.
- Written permission from the artist/designer or artist's/designer's estate for a qualified conservator to conserve the artwork when necessary.
- Written permission granted by the artist/designer or artist's/designer's estate for removal of the gift as a result of safety emergencies and changes in the future use of the site.

**4. Acceptance Conditions**

Consideration will be given to the proposed terms of donation, legal title, copyright authenticity, liability and other issues, as appropriate, in addition to the following:

- a. Gifts of artwork and memorials for placement on City-owned property are funded solely by the donor. The City is not responsible for funding related to production, site placement, installation or maintenance of the artwork or memorial.
- b. In accepting a gift, the City will require that the responsible parties execute a maintenance agreement or establish a maintenance endowment to insure an adequate quality of care for the artwork.
- c. No gift of an artwork or memorial will be accepted by the Planning Commission until all funds required for production, site design, installation and maintenance of the artwork have been secured by the donor.
- d. Complete records of accession including, but not limited to, a signed deed of gift, acknowledgment of receipt, and a copy donor's application.
- e. Verification that the work is unique and an edition of one, unless stated to the contrary in the agreement and accepted by the Planning Commission.

**I. PUBLIC INFORMATION**

Public information is an important aspect of the City's management of a project. How it is handled can make a significant difference in the public reception of a project. The City should, therefore, be committed to undertaking the following measures to promote and inform the public about its AIPP Program:

- a. Identify the groups and individuals, both official and unofficial, whose approval is required or whose support is important to the successful completion of the project.
- b. Involve the artist at the outset in planning how and when to inform the public about the progress of the project and to agree on a series of steps.
- c. Develop a committed and well-informed support group in the early stages of the project to help filter information out to the larger community and serve as spokespersons for the project.
- d. Establish an AIPP Program web site and maintains up-to-date information on each AIPP project and other related program activities.
- e. Disseminate information about the artist to help develop public confidence and respect for the artist and increase public awareness of the project.
- f. Organize informal public forums and talks by the artist at community centers, local educational institutions, and other community locations to help broaden understanding.
- g. Extend invitations to the press to attend artist and artwork selection panel meetings.
- h. Prepare press packets and other project information for distribution to the press and for distribution during City Council and other public meetings.
- i. Public announcements or press conferences may occur during the initial announcement of the project and the initiation of the artist selection process; receipt of a major grant or contribution of funds; selection of the artist; approval of the proposal; and installation and dedication of the artwork.
- j. Dedication of the completed artwork can have an important effect on its reception in the community. If respected leaders are there to acknowledge its importance and value, and the occasion is well planned and attended, there is a better chance that the artwork will be well regarded and taken seriously.

## **SECTION II: PRIVATE DEVELOPMENT**

### **A. ON-SITE ARTWORK**

Any developer electing to meet the art requirement by incorporating public art into their project is required to develop an Art Plan. The Art Plan can be prepared and reviewed at any time prior to issuance of building permits, but it is strongly encouraged that the Art Plan be developed in the early phases of the project review. At the time the Art Plan is formally submitted to the City, the developer will be

required to make a deposit (to be established by the City Council) to cover the cost of City staff time spent processing the Art Plan. Staff time will be charged against the deposit on a reimbursement basis; any portion of the deposit remaining after the AIPP process is completed will be returned to the developer.

## **1. Professional Public Art Consultant**

If the developer chooses to pursue an Art Plan, the developer is required to secure the services of a professional public art consultant. The developer may select a consultant:

- From a pre-approved list of public art consultants maintained by the Planning Department;
- From a source other than the pre-approved list which requires approval by the Planning Director; or
- By paying a fee-for-service to the City for the services of a public art consultant who may be on retainer with the Planning Department.

Public art consultant fees of up to fifteen percent (15%) of the public art project budget are an allowable expense and can be included in the administrative cost portion of the budget. If the developer chooses the fee-for-service option, the developer is required to pay fifteen percent (15%) of the public art project budget to the City for the purpose of managing an AIPP project on the development site.

Public art consultants vary in their training and experience; it is important to select a consultant whose experience and interests fit well with the development and the project's design team. The role of the public art consultant is to research and present to the developer qualified artists who are able to create an appropriate artwork for their specific project. The public art consultant is responsible for providing written and visual collateral on the artist(s) for the Art Plan and to act as advisor and project manager for the public art project. The professional consultant must have experience in managing a variety of public art projects through all stages of development, including artist selection, contracting, design development, construction oversight, and development of a maintenance schedule.

## **2. Artist Selection**

The developer is responsible for selecting the artist, provided that the artist meets the qualifications listed below in Section IV: Artist and Artwork Selection. Developers may receive assistance from Planning Department staff with the selection of an artist. The City will provide access to the Pre-Qualified Artist Directory and to other resources with artist listings. The Planning Commission will consider each artist and proposed artwork on a case-by-case basis.

### 3. **Artwork Identification Plaque**

A plaque or equivalent form of permanent signage acknowledging the artist, other design professionals involved in the project, and the City of West Covina City Council must be sited in a publicly accessible location near the artwork. The physical dimensions of the plaque must allow for the utmost legibility of the information contained on it, and must vary appropriately with the scale of the artwork and the site without intruding on the physical artwork.

## **B. ART PLAN REQUIREMENTS**

### 1. **Schematic Stage**

The Art Plan submitted at the schematic design stage must include the following:

a. **Summary of Artist Selection Process** in accordance with Section IV of these guidelines, including:

- A list of all artists considered.
- Evidence that the list includes regional artists, artists from diverse cultural backgrounds and artists of both genders.
- Type of selection process used.
- Names and affiliations of jury/artist selection panel members.
- Resume of selected artist or artists.
- Images of selected artist's work (slides, digital, video, DVD, catalogs, press clippings).
- Statement as to why the selected artist is qualified to work on this project.

b. **List of Team Members**, including:

- Developer (contact person, address, phone, email, web page).
- Art Consultant (name, address, phone, email, web page).
- Architect (lead designer, address, phone, email, web page).
- Landscape Architect (lead designer, address, phone, email, web page).

c. **Narrative Statement** articulates how the artwork design:

- Responds to the vision and goals of the AIPP Program.
- Responds to the project site in relationship to the neighborhood in which it is located.
- Can be viewed by the public a minimum of 12 hours a day.
- Helps create lively, habitable places which make unique contributions to the community.
- Engages the visitors, tourists, residents, and/or workers.

- Is well-integrated into the project design and reflects the sensibilities of the architect, landscape architect, and artist.
  - Involves community members.
  - Reflects the history of the site and its place in the history of the City of West Covina.
  - Engages street-level activities and creates a positive experience for pedestrians.
  - Impacts the surrounding streetscape.
- d. **Visual Representation of the Artist’s Schematic Design** must illustrate artwork in context and show details sufficient to communicate the Art Plan. Representation may be in the form of any one or combination of the following:
- Digital images of renderings or models/maquettes in jpeg format.
  - Hand-drawn renderings or other illustrations.
  - A model or maquette.
  - Computer generated drawings or 3-D renderings.
  - QuickTime or Media Player movies, or other moving images of the project or artwork content on a CD or DVD.
- e. **Artwork Details** including:
- Materials to be used in the fabrication of each artwork element.
  - Approximate size of each artwork element.
  - Colors and textures selected for each artwork element.
- f. **Art Budget** including:
- Breakdowns for on-site artwork and anticipated AIPP Fund contributions.
  - Breakdowns for finalist fees, anticipated artist fees, artwork fabrication, art consultant fees, and other administrative expenses.
  - Total art budget must meet or exceed required allocation per the AIPP ordinance.

## 2. Final Submittals

Final submittals must create a comprehensive record of the artwork and show any changes to the accepted schematic design and associated submittals including:

- a. **A Final Narrative Statement** updating the statement submitted at the schematic stage. The statement must include artist’s budget quotes and written statement about the project.

- b. **Contracts**, including:
  - A contract between the artist and the developer.
  - If applicable, the contract between the developer and an art or specialty fabricator.
  
- c. **Final Drawings**, including:
  - Project final construction drawings showing any and all artwork views and details.
  - Shop drawings of all artwork elements.
  - Engineering drawings and calculations.
  
- d. **Conservation and Maintenance Reports** demonstrating that an art conservator has reviewed all artwork elements and has concurred with the proposed maintenance schedule and procedures. A maintenance manual should be provided, including:
  - Comprehensive information, such as materials data sheets on all materials used in all artwork elements.
  - Paint type and color swatches.
  - Maintenance schedule.
  - Instructions on maintenance work and periodic repairs to be conducted.
  - Warranties for any artwork parts or equipment.
  
- e. **Final Detailed Art Budget** showing only allowable expenditures.
  
- f. **Photographic Documentation** of the artwork showing the artwork in context of the project and detailed images of each artwork element. Any required copyright notices that must accompany use or publication of the images must be indicated.

### 3. Project Completion

- a. **In-lieu contribution.** No project grading or building permits will be issued until all in-lieu contributions have been paid in full pursuant to the approved AIPP application.
  
- b. **On-site Artwork.** When the developer has elected to fulfill the requirements in full or in part through on-site artwork in accordance with the approved AIPP application, the certificate of occupancy or final building permit will not be issued until the approved artwork has been fully installed and completed in a manner satisfactory to the Planning Director. At the discretion of the Planning Director, an in-lieu contribution in the amount of the valuation of the approved artwork may be made as a deposit to secure the proper installation of artwork subsequent to the issuance of a certificate

of occupancy or final building permit. Upon proper installation of the approved artwork, the deposit will be refunded. After one (1) year following the deposit of an in-lieu contribution, the City may elect to cancel the requirement for the approved artwork and retain the deposit as fulfillment of the AIPP requirement.

## **C. PROPERTY OWNER RESPONSIBILITIES**

### **1. Artwork Ownership**

An on-site art project or artwork created under this Art Policy is the property of the development owner and cannot be sold or transferred to an owner other than the owner of that development.

### **2. Artwork Maintenance Obligation**

The continued maintenance of the artwork will be the responsibility of the developer throughout the lifespan of the artwork, unless otherwise negotiated and approved by the Planning Commission. Prior to that date, the developer, its successors, and its assigns, may not destroy, remove, relocate, change, alter, modify, or allow to be defaced, any such public art component without the express consent of the artist and the City. If the artwork is removed, stolen or destroyed beyond repair, the owner will be responsible for the replacement of the artwork or must pay an amount equivalent to the original requirement into the AIPP Fund.

Where artwork is placed on private property pursuant to the requirements of the AIPP Ordinance, the developer will execute and record a covenant with the Los Angeles County Recorder which sets forth the developer's obligation to properly maintain the approved artwork. If any approved artwork placed on private property pursuant to the AIPP Ordinance is removed without City approval, the City will pursue enforcement of the covenant and any other appropriate remedies that will ensure compliance with the requirements of the AIPP Ordinance.

### **3. Art Insurance**

Public sculpture must remain permanently installed at the site as a condition of project approval and if not, in a recordable agreement, binding on successors to title to the subject property, as reasonably approved by the City attorney. In the event the artwork is damaged, destroyed, damaged beyond repair, or stolen, the property owner is legally responsible for repairing or replacing the artwork, with an artwork or artworks of equivalent value. Owners are strongly encouraged to insure artwork.

#### 4. **Damaged Artwork**

The property owner is responsible for repairing the artwork in the event of damage and/or vandalism.

- a. Artwork damaged or vandalized will be repaired as closely as possible to the original approved artwork.
- b. If repair is needed, the original artist must be given first refusal on repair(s) for a reasonable fee. If the original artist is not available or is unwilling to perform the required repair(s) for a reasonable fee, the owner will make arrangements for repair(s) with a reputable art conservator.
- c. The owner will be responsible for notifying the City of the steps that will be taken to repair the work.

#### 5. **Replacement of Artwork**

In the event the artwork is destroyed, damaged beyond repair, stolen or otherwise removed from the site, the owner will replace the art piece with a new work of art.

- a. The owner will submit an application to the City for review by the Planning Commission.
- b. The new artwork will comply with all of the requirements of the Art In Public Places Program in effect at the time the work is replaced. The allocation for the new (replacement) artwork will be calculated based on the current total building valuation, as computed by the most current Building Valuation Data set forth by the International Conference of Building Officials (ICBO).
- c. The replacement process will be completed within a six to twelve-month time frame unless otherwise agreed to by the City.

#### 6. **Removal of Artwork**

The City will not authorize removing public art, except under the most extenuating circumstances.

- a. The indefinite removal of an artwork from permanent display, whether or not it is disposed, affects the artist's rights, and has serious legal consequences for the property owner.
- b. Owners wishing to remove, modify, destroy, or in any way alter their artwork must first seek legal consent from the original artist and must provide a compelling reason for taking such action with the artwork.

- c. All such requests must also be submitted to the Planning Commission for its consideration and approval.
- d. Factors to be considered by the Commission will include, but not be limited to: reasons and costs of relocation, risk of damage to the artwork, maintenance costs, and artist and owner rights and responsibilities.

### **SECTION III: CITY-INITIATED AIPP PROJECTS**

#### **A. ANNUAL PLAN**

The Planning Commission will develop an AIPP Annual Plan and submit it to the City Council for approval. Prior to developing the AIPP Annual Plan, an AIPP Five Year Plan will be prepared and approved by the Planning Commission. The AIPP Five Year Plan will outline potential AIPP projects and special initiatives to be undertaken by the Planning Department over a five year period of time, including budget estimates for the implementation of each project recommendation. Elements of the AIPP Five Year Plan can be incorporated by the Planning Commission into the development of an AIPP Annual Plan for consideration and appropriation by the City Council.

The AIPP Annual Plan will:

1. Recommend the AIPP projects to be implemented in the upcoming year.
2. Recommend a budget allocation for each AIPP project.
3. Recommend the method for artist selection for each AIPP project (Section IV: Artist and Artwork Selection, C: Methods of Artist Selection).
4. Recommend an amount for administrative expenses. In estimating the budget for the administration of the artist and artwork selection process, the Planning Commission will consider the costs associated with the method of artist selection which may include but are not limited to travel, lodging, and artist finalist fees for site visits, interviews, and proposal development. Generally, a minimum of 20% of each AIPP project budget is necessary to maintain adequate administration of a successful program.
5. Recommend any conservation projects, community outreach and public education efforts or other activities to be undertaken by the Planning Department.

#### **B. BUDGET ALLOCATION**

In establishing the AIPP budget, allowance will be made for as much flexibility as possible.

## 1. **Determination of Appropriate Budget**

The following will be considered in determining an appropriate budget:

- a. Project goals.
- b. AIPP budgets for comparable projects in other communities.
- c. Desired scope of artist involvement.
- d. Interest in working with emerging and/or established artists.
- e. Preferences concerning the nature of the artwork (i.e., medium, form).
- f. Preferences for the purchase or commission of artwork.
- g. Potential locations for the work and limitations or opportunities presented by the site.
- h. Costs associated with preparation of the site such as foundations, landscaping and lighting.
- i. Costs associated with the production of construction drawings from a licensed engineer or architect, as needed.
- j. A contingency fund of at least 10% of the AIPP budget is advisable.

## 2. **Allowable Expenses**

Subject to restrictions on expenditures of revenues, the AIPP project allocation may be expended for, but is not limited to, the following:

- a. AIPP Program administration for expenses incurred in the process of artist and artwork selection, development and installation of artwork, and media/community outreach efforts.
- b. Artist's fee for professional design, execution, and installation of the artwork.
- c. Fees for fabricators and other sub-contracted labor.
- d. Supplies and materials.
- e. Equipment rental.
- f. Project related travel.
- g. Transportation of the artwork to the site.
- h. City and county permits, as required.
- i. Taxes, where applicable.
- j. Frames, mattes, pedestals, containments, and other devices necessary for the security, preservation, and display of the artwork.
- k. Site modifications necessary for the installation of the artwork.
- l. Fire retardant treatments, when necessary.
- m. Insurance, as required.
- n. Waterworks, electrical, and mechanical devices, lighting or other equipment that is an integral part of the artwork.
- o. Slides and other documentation.
- p. Purchase of existing artworks.

## 3. **Unallowable Expenses**

In general, the AIPP project allocation may not be expended for the following:

- a. Reproductions of original visual artworks. Limited editions signed by the artist of artwork such as original prints, cast sculpture, and photographs may be included.
- b. Elements generally considered to be components of the architecture and landscape architecture building program that are designed by the project architect, project landscape architect or other project consultant engaged by the primary project designer.
- c. Art objects that are mass-produced of standard design, such as playground equipment or fountains.
- d. Directional elements such as signs, maps, color coding, unless designed and executed by an artist.
- e. Expenses related to the ongoing operation of the artwork such as utility costs and electrical, water, or mechanical service required to activate the artwork.
- f. Insurance, ongoing maintenance, and long-term conservation of the artwork.

## **C. CONTRACTS WITH ARTISTS**

The approved artist will enter into a contract agreement with the City of West Covina, naming the Planning Director as project manager responsible to oversee and monitor all aspects of contract accountability. The contract includes the following terms and conditions, among others:

### **1. Administration**

Standard artists' contract templates will be developed by the Planning Director in consultation with the City Attorney, recognizing that these contracts need to be customized to fit each specific project. Contract terms and conditions will include, but not be limited to:

- a. Acknowledgment of artist rights under the federal Visual Artists Right Act and the federal Copyright Act.
- b. Insurance requirements.
- c. Maintenance and conservation expectations.
- d. Artwork relocation policy.

### **2. Options**

- a. **Single Contract Inclusive of All Phases of Work.** Issued after the AIPP project artist and artwork have been selected and approved by the Planning Commission. Requires the artist to produce the artwork based upon an approved preliminary design, and covers all phases of work and related costs, including final design, fabrication, transportation, installation, insurance and conservation/maintenance plan.

## b. Phased Contract Options

- **Design Contract.** For development of a comprehensive design proposal resulting from a thorough investigation of the site and meetings with relevant City staff, community representatives, and any other stakeholders. The final design must be approved by the Planning Commission before the actual work is commissioned.
- **Fabrication Contract.** For implementation of an AIPP project including expenses for fabrication, transportation and installation of artwork once final design and construction documents have been completed and approved by the City through a design contract.
- **Planning Contract.** For development of a written plan outlining the art program for a site and identifying opportunities for artist involvement without proposing or designing the actual artwork. The artist participates as a team member with AIPP project designers and City staff to develop the art program master plan.

## SECTION IV: ARTIST AND ARTWORK SELECTION

This section applies to City-initiated AIPP Projects. It also may be used as a resource for professional public art consultants working on private development AIPP Projects.

### A. FUNDING THE ARTIST AND ARTWORK SELECTION PROCESS

The AIPP Program will have an annual administrative budget that will be included as part of the City's budget, including funding for facilitation of the artist selection process.

### B. SITE SELECTION

Making the right selection of artwork requires that project goals, local conditions and community context are taken into account. The Planning Commission will identify locations for the placement of artwork based on the following considerations:

- Visibility.
- Public safety.
- Interior and exterior traffic patterns.
- Relationship of proposed artwork to existing or future architectural features and to natural features.
- Function of the facility.
- Facility users and interaction of users with proposed artwork.
- Future development plans for the area.

- Overall program goal or concept.
- Landscape design.
- Relationship of proposed artwork to existing artworks within the site vicinity.
- Environmental impact.
- Public accessibility to the artwork.
- Social context of the artwork.

## **C. METHODS OF ARTIST SELECTION**

Three selection methods are available for artist selection: (1) selecting from the Pre-Qualified Artist Directory, (2) Open Competition, and (3) Limited Competition. The Open Competition invites all artists to submit qualifications or proposals for a project. Selecting from the Pre-Qualified Artist Directory and the Limited Competition are more appropriate for projects with extremely aggressive schedules, where there is community consensus around an artist or list of artists to be considered, or where a high-level or specific type of experience is required for the project.

The Planning Commission will define the method for artist selection for each City-initiated AIPP project, guided by staff and taking into account the nature and needs of the project, including:

- Size of the budget available for artwork.
- Interest in working with emerging and/or established artists.
- Geographic restrictions on artists' eligibility.
- Preferences concerning the nature of the artwork (i.e. medium, form).
- Potential locations for the work and limitations or opportunities presented by the site.
- Resources of time, money and personnel devoted to the selection process.

### **1. Selecting from the Pre-Qualified Artist Directory**

Selecting from the Pre-Qualified Artist Directory is the most efficient and direct method for small projects where selection costs need to be contained or when an artist is uniquely qualified for the project at hand. This method also requires the least amount of time and staff to administer.

- a. Artists may be selected from a Pre-Qualified Artist Directory by the Planning Commission or Artist Selection Panel.
- b. Staff considers the overall AIPP Program and makes recommendations to the Planning Commission or Artist Selection Panel regarding artist eligibility requirements.

- c. The Artist Selection Panel meets to review the staff-recommended artists from the Pre-Qualified Artist Directory and establishes a short list of finalists.
- d. The Artist Selection Panel reviews artist finalists' proposals and selects the project artist to recommend to the Planning Commission for approval.

## 2. **Open Competition**

An Open Competition is more likely to encourage unknown talent to emerge on an equal footing with a broad pool of better recognized artists and also offers increased visibility for the AIPP Program. This method provides an opportunity for any qualified artist to submit qualifications or proposals.

- a. A written and electronic notice are issued summarizing the project, qualifications sought, proposal requirements, and project schedule. After a review of submitted materials, and a follow-up interview for finalists, an artist is selected for the commission. Artist(s) selected by this method may or may not be in the Pre-Qualified Artist Directory.
- b. The success of an Open Competition hinges largely on the comprehensiveness of the advertising and mailings. This is important because, for a variety of reasons, many artists choose not to respond to open competitions. More established artists are less likely to invest the time and effort required to respond to a competition that is open to all artists.

## 3. **Limited Competition**

A Limited Competition involves assembly of a shortlist of qualified artists who are solicited through the Pre-Qualified Artist Directory or nominated from a select number of expert and well-informed arts and design professionals. This method allows the invited artists to commit and invest serious time and effort in developing a thoughtful concept for the project, requires less time and staff to administer, and attracts highly qualified professional artists.

- a. Artists are invited to submit images and documentation of past work for review of qualifications, rather than proposals.
- b. An Artist Selection Panel then selects a limited number of artists, usually three to five, to develop proposals for the project.
- c. The invited artists are brought in to view the site and plans for the project and are paid to develop proposals.
- d. The Artist Selection Panel reviews the proposals and recommends an artist for the project.

## 4. **RFQs and RFPs**

A Request for Qualifications (RFQ) is used when seeking an artist to participate in the design of a project, especially when the artist is to collaborate with an

architect or other designer. Artists are asked to submit letters of interest, visual representations and descriptions of past work, and other relevant materials. Finalists may be interviewed before a final selection is made, or may be asked to prepare initial concepts or design proposals. In that case, finalists are compensated for their services through a fixed fee.

A Request for Proposals (RFP) is appropriate where the design of the project is completed or where the project parameters are very well defined. RFPs can stimulate interest and provide a competitive edge for artists who do not have extensive experience in public art. RFQs and RFPs typically contain the following information:

- a. Site photographs.
- b. Summary of site or project history.
- c. Goals for the project.
- d. Scope of work for artist services.
- e. Selection process and artist selection panel composition.
- f. Criteria for evaluating submittals and finalists.
- g. Eligibility, including any geographic residency restrictions.
- h. Budget, especially fees the commissioned artist may expect to receive for design, and fabrication.
- i. Submittal requirements, including proposal requirements.
- j. Deadline date and time, as well as address for hand-delivery or mailing of submittal.
- k. Estimated schedule.
- l. Contact Information should the artist have questions.

## **D. ARTIST SELECTION PANEL**

### **1. Overview**

A pool of potential Artist Selection Panel members will be developed by the Planning Director. The pool will be submitted for approval to the Planning Commission and maintained by staff. The Artist Selection Panel is responsible for reviewing artist submittals in open and limited competitions for AIPP projects and making recommendations of finalists to the Planning Commission. Finalists also may be selected by the Artist Selection Panel from the pre-qualified artist directory maintained by the Planning Department.

### **2. Composition of Artist Selection Panel**

Each Artist Selection Panel will be selected by Planning Director or his/her designee from the pool of potential panelists.

- a. Each Artist Selection Panel is comprised of no fewer than three and no more than five arts professionals selected on the basis of his/her expertise relative to the specific goals and objectives of each project.

- b. Members of an Artist Selection Panel may represent the fields of art, architecture, landscape architecture or other individuals with considerable knowledge of contemporary visual art. Each individual must be a recognized authority in his/her field.
- c. It is often useful and productive to have a mix of perspectives with one or two panelists from outside the state or region to augment locally based panels.
- d. As appropriate, members of the project design team, client, developer and City department staff may attend the selection panel meeting as non-voting advisors and participate in discussions with the panelists to acquaint them fully with the project.

## **E. REVIEW OF FINALISTS' PROPOSALS**

The Planning Commission will review finalists' proposals for artwork as follows:

1. Interview artist finalists and review artist finalist proposals for artwork recommended by the Artist Selection Panel.
2. Select the final project artist according to the criteria and procedures set forth in these guidelines.
3. If revisions to the artist's design are called for, the revised design will be presented to the Planning Commission for review.
4. Once the artist is under contract and throughout the AIPP project, review any significant alterations to the artist's final design before fabrication can begin.
5. If the artist is not in agreement with the Planning Commission recommendations, the Planning Director will mediate discussions to arrive at a consensus among all parties.
6. The artist's contract will contain language specifying that no change to the approved final design may take place without review by the Planning Commission.
7. If the Planning Commission determines that there are no artists or artwork proposals that meet the established criteria, the Planning Commission reserves the right to reopen a competition or propose other methods of selection.
  - a. During the review of finalists' proposals, it is important to include the perspectives of a representative of the Artist Selection Panel, a professional art conservator, and maintenance and operations staff.

- b. Within ten (10) days of any decision by the Planning Commission, the City Manager or any member of the City Council may request that the Planning Commission's decision be reviewed by the City Council.

## **F. ARTIST ELIGIBILITY**

### **1. Artist Eligibility**

- a. As a general policy, artists from the region will be encouraged to participate in the AIPP Program. However, the City is not restricted to the exclusive use of local artists.
- b. Specific eligibility requirements for each project are established at the onset of each project.
- c. Artists are selected on the basis of their qualifications, as demonstrated by past work, appropriateness of the proposal to the particular project, and its probability of successful completion, as determined by the Planning Commission and its appointed Artist Selection Panel.
- d. Some aspects of a project may be delegated by the artist to his/her agent or representative if the artist so authorizes. The Planning Director deals directly with the artist; all relationships and financial arrangements between artists and their agents, representatives and galleries must be undertaken by the artist alone. The City of West Covina assumes no responsibility for payment of fees and commissions, nor will it adjudicate differences between the parties. The payment of commissions or fees is the sole responsibility of the artist.

### **2. Artist Ineligibility**

- a. No artist sitting on the Planning Commission may submit for AIPP projects over which the Planning Commission has approval authority or administrative responsibility during his/her tenure.
- b. No City staff member or member of his/her household may submit for AIPP projects for which the City has approval authority or administrative responsibility.
- c. No member of the project architect's firm, project landscape architect's firm or other project consultant's firm engaged by the primary project designer is eligible for consideration as an artist on a project being designed by that firm for location on City-owned property.
- d. No artist sitting on an Artist Selection Panel may submit for the project for which the panel was formed.
- e. Artists are not eligible for more than two AIPP projects at any given time.

## **G. SELECTION CRITERIA**

### **1. Artist Selection Criteria**

Artist selection criteria to be considered includes, but is not limited to:

- a. Ability to generate creative and appropriate ideas.
- b. Ability to influence a product of uncompromising quality.
- c. Proven ability to work effectively in collaborative situations.
- d. Ability to understand and work with diverse community constituencies.
- e. Experience in architecture or landscape-based projects.
- f. Proven ability to meet established budgets and deadlines.
- g. Demonstrated commitment to the project.

### **2. Artwork Selection Criteria**

The review and selection of artist finalist proposals will be based on the following criteria:

- a. **Quality.** The consideration of highest priority is the inherent quality of the artwork. Commissioned artwork will be, in the judgment of recognized art experts, of exceptional quality and enduring value.
- b. **Context.** Consideration is given to the architectural, historical, geographical and socio-cultural context of the site.
- c. **Project Goals.** Goals established by the Planning Commission or private developer for each AIPP Project that respond to the opportunities and constraints of the particular AIPP Project site and community it serves.
- d. **Media.** All forms of visual art are eligible, including media that have a temporary, limited lifespan and may exist only through documentation.
- e. **Durability.** Due consideration will be given to the structural and surface soundness and to inherent resistance to theft, vandalism, weathering, and excessive maintenance and repair costs. On-going maintenance and operating costs also will be considered.
- f. **Public Safety.** Each artwork will be evaluated to ensure that it does not present a hazard for public safety.
- g. **Range.** The overall program strives for a range of style, scale, media, and artists. There will be encouragement of exploratory types of artwork as well as established visual art forms.
- h. **Feasibility.** Each artwork will be examined for its feasibility and convincing evidence of the artist's ability to successfully complete the work as proposed. Factors to be considered include, but are not limited to, project budget, timeline, artist's experience, soundness of materials, and applicable city zoning, construction, and design guidelines.

## H. APPROVAL

1. Each recommended AIPP project artist and proposed artwork must be approved by the Planning Commission.
2. If the Planning Commission deems the proposed artwork unacceptable, the Planning Director will discuss the following options with the Planning Commission:
  - a. Advocate for reconsideration of the recommended artwork to the Planning Commission.
  - b. Recommend one of the other artworks proposed for the same AIPP project.
  - c. Reject all existing proposals and issue a new RFQ or RFP.
3. To honor the Artist and Artwork Selection Process as defined in these guidelines and to protect the Planning Commission members from being perceived as judging artwork on the basis of individual and personal aesthetics, the review by the Planning Commission will be based on context and project goals, and technical, financial and business considerations.

## SECTION V: DEFINITIONS

- A. **Art in Public Places (AIPP) Annual Plan:** The document developed annually by the Planning Commission and submitted to the City Council for approval that recommends City-initiated AIPP projects funded through the AIPP Fund to be implemented in the upcoming year, including conservation projects, community outreach and public education efforts or other activities to be undertaken by the program.
- B. **Art in Public Places (AIPP) Fund:** A separate interest-bearing fund established and maintained by the City for the deposit of the in-lieu portion of the AIPP fee requirement of a private development.
- C. **Art in Public Places (AIPP) Program:** The program, under the jurisdiction of the Planning Department, which sets forth the oversight and management of developer-initiated public art projects, City-initiated AIPP projects, and other related activities.
- D. **Art Plan:** A plan prepared by the Developer and submitted to the Planning Commission at the schematic and final design stages that provides details on the artist selection process, artist qualifications, artwork ideas, and design elements, is in a publicly accessible location, and how the artwork impacts the development project.
- E. **Artist:** Individual, team of individual artists, or artist team leader of individuals from other disciplines whose body of work and professional activities demonstrates serious ongoing commitment to the fine arts.

- F. **Artist Fees:** Artist fees refer to that portion of the public art project budget reserved for payment to the artist for his/her creative services for design, fabrication and project management services. Fees do not include other labor, materials, travel and per diem allowances for out-of-town artists.
- G. **Artist Selection Panel:** A group of artists, design professionals, arts professionals, community representatives, and others deemed necessary for a balanced point of view called together by a developer or Planning Department staff to evaluate artist qualifications and/or identify artist(s) for a given project in conformance with the AIPP Ordinance.
- H. **Artwork:** All forms of original creations of permanent and temporary visual art by an Artist and conceived in any discipline or medium.
- I. **City Projects:** Construction of City buildings or facilities having project costs of \$500,000 or more.
- J. **City-Initiated AIPP Projects:** AIPP projects undertaken by the AIPP Program that have been recommended in the AIPP Annual Plan and approved by the City Council.
- K. **Conservation:** The act of restoring or repairing artwork.
- L. **Community Outreach:** Education and marketing efforts to connect with the public to teach about and gather input on AIPP Projects.
- M. **Deaccession:** The process of removing an artwork permanently from the collection, usually through sale or exchange or any other transactions by which title of outgoing artworks are transferred from the collection to another institution or individual. Under certain conditions, it may also include disposal by intentional destruction.
- N. **Design Professional:** An individual professionally trained in design, such as architecture, landscape architecture, art, graphics, urban design, and planning; also environmental, industrial, interior, and design.
- O. **Design Team Collaboration:** Projects created through the co-equal cooperative design efforts of design professionals, such as artists, architects, and landscape architects.
- P. **Developer:** The person or entity that is financially and legally responsible for the planning, development and construction of any development project who may, or may not, be the owner of the subject property.
- Q. **Development Project:** New residential, commercial, office, industrial and mixed use projects and expansion or remodel of commercial, office or industrial complexes within West Covina.

- R. **Final Design:** The design once all variables such as engineering, costs, and changes in project design are fixed and resolved including identification of all materials, colors, and processes to be used in the creation of the art, as well as an identification of who will fabricate or provide all components.
- S. **Finalist Fees:** Modest payment made to each public art project finalist for a proposal.
- T. **Gift of Artwork or Memorial:** A gift of artwork or memorial of any size, style or medium donated to the City of West Covina by an individual, businesses, or group.
- U. **Lifespan of the Artwork:** Artwork life span cannot be less than 25 years. Artwork reaches the end of its life cycle when the artist, or the artist's estate, and/or a qualified art conservator verifies that the artwork has aged or deteriorated to a point where it cannot reasonably be conserved or repaired.
- V. **Maintenance:** Actions taken to retard or prevent deterioration or damage to artwork by control of the environment and/or treatment of the artwork on a routine basis.
- W. **Memorial:** An item, object, or monument established to preserve the memory of a significant deceased person or a significant event that occurred in the past.
- X. **Plaque:** Identification signage affixed on or near an artwork that identifies the title, artist, media, and other relevant information about the artwork.
- Y. **Planning Commission:** The Planning Commission of the City of West Covina.
- Z. **Planning Director:** The Planning Director of the City of West Covina or his/her designee.
- AA. **Planning Department:** The Planning Department of the City of West Covina responsible for implementing the AIPP Ordinance and administering the AIPP Program.
- BB. **Pre-Qualified Artist Directory:** A resource list of Pre-Qualified artists maintained by the Planning Department that can be used by the City and private developers to select artists for AIPP projects.
- CC. **Pre-Qualified Artist Directory Jury:** A group of artists, arts-related professionals, and design professionals called together by the Planning Department staff to pre-qualify applicant artists who meet the criteria for inclusion in the Pre-Qualified Artist Directory.
- DD. **Property Owner:** The person or entity that owns the Development Project.

- EE. **Public Accessibility:** The condition under which a public space is accessible and readily visible to the public a minimum of 12 (twelve) hours a day.
- FF. **Public Art Collection:** The public art collection is comprised of artworks that have been accessioned by the Planning Commission on behalf of the City or are otherwise under the jurisdiction of the Planning Commission.
- GG. **Public Place:** Any exterior area on public or private property which is easily accessible and clearly visible to the general public, such as a street or other public thoroughfare, sidewalk, park, and plaza.
- HH. **Public Works Director:** The Public Works Director of the City of West Covina or his/her designee.
- II. **Regional/Local Artist:** An artist who resides in Southern California which is geographically defined as within Santa Barbara to San Diego Counties.
- JJ. **Request for Proposals (RFP):** An invitation by the City or a developer to potential consultants, such as artists, to submit proposals for a specific project, project component, or professional service.
- KK. **Request for Qualifications (RFQ):** An invitation by the City or a developer to potential consultants, such as artists, to submit for consideration their qualifications for a specific project, project component, or professional service.
- LL. **Schematic Design:** The artist's initial artwork design in context and in scale with components fully identified including materials, colors, features, and processes for which the artist is responsible.
- MM. **Total Building Valuation:** The total value of the improvements for a development project, excluding land value as indicated on the building permit(s) issued by the City for said development project.

## **SECTION VI: IMPLEMENTATION AND ADMINISTRATION**

Pursuant to Section 17-85 of the West Covina Municipal Code, these guidelines have been adopted by resolution of the West Covina Planning Commission for the purpose of setting forth the procedures for implementation of the West Covina Art in Public Places Ordinance (Ordinance No. 2117).

Under direction from the Planning Commission, the Planning Director will have the authority to implement and administer these guidelines and to make any reasonable interpretation as to the proper application of the guidelines in specific situations.

As may be needed, the Planning Director will also be authorized to make minor technical edits and corrections to these guidelines for the purpose of correcting errors and/or

clarifying policies as carried out by the Planning Commission. Other revisions to these guidelines that involve substantially new or modified policies or procedures may only be approved by resolution of the Planning Commission.

**ADOPTED/REVISED**

**RESOLUTION NO.**

October 23, 2007

07-5252